

SENATE BILL 1381

By Tate

AN ACT to amend Tennessee Code Annotated, Title 39;  
Title 63 and Title 68, relative to women who  
illegally use controlled substances while pregnant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-107(c), is amended by inserting the word "lawful" before the word "act", and by inserting the word "lawful" before the word "omission".

SECTION 2. Tennessee Code Annotated, Section 39-13-107(c), is further amended by designating the existing language as subdivision (c)(1) and by adding the following:

(2) Notwithstanding subdivision (c)(1), nothing in this section precludes prosecution of a woman for assault under § 39-13-101 for the illegal use of a narcotic drug, as defined in § 39-17-402, while pregnant, if her child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of her illegal use of a narcotic drug taken while pregnant.

(3) It is an affirmative defense to a prosecution permitted by subdivision (c)(2) that the woman actively enrolled in an addiction recovery program before the child was born, remained in the program after delivery, and successfully completed the program, regardless of whether the child was born addicted to or harmed by the narcotic drug.

SECTION 3. This act shall take effect July 1, 2017, the public welfare requiring it.